

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
January 13, 2009**

Place: Auditorium
Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Conze, Grimes, Finke, Spain, Bigelow

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

PUBLIC HEARING

Chairman Conze read the first agenda item:

Continuation of Public Hearing regarding Amendment of Zoning Map #4-2008, Amendment of Zoning Regulations #8-2008, Site Plan Application #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, lot line revision, Darien Housing Authority, Noroton Avenue, Elm Street, and West Avenue. Proposing to replace the existing single-family residences and apartment building which now comprise Allen-O'Neill Homes; to amend the DMR Zoning Regulations, and rezone the properties to DMR; abandon the existing Allen-O'Neill Drive; revise lot lines; construct 24 new apartment and townhouse structures containing 116 units of housing; construct one community building; install drainage facilities; and to perform related site development activities. The subject properties are on the east side of Noroton Avenue, approximately 450 feet north of its intersection with West Avenue, and is shown on Assessor's Map #21 as Lots #14, #15, #17, #21, #22, #68-99, #100-107 and are located in the R-1/3 Zone.
PUBLIC HEARING OPENED ON NOVEMBER 25, 2008 AND CONTINUED TO DECEMBER 9, 2008. PUBLIC HEARING MUST CLOSE ON JANUARY 13, 2009, OR AN EXTENSION GRANTED BY THE APPLICANT.

Attorney Bruce Hill represented the applicant and explained that they have prepared responses to many of the public comments and questions raised by the Commission members at the previous Public Hearing sessions. Mr. Hill stressed that this is not an application under Section 8-30g of the State Statutes, but it certainly meets the intent of those Statutes to create affordable housing. In this case, all the units within the project will be affordable. Mr. Hill said that one of the recommendations from the traffic consultant, Mike Galante, was to have the parking spaces angled to create a better flow along the one-way driveways. He said that angled spaces design change has been incorporated. He said that the two parking space per unit criteria has been utilized because that is what the Zoning Regulations allow under Section 514.2 f. and because the Housing Authority's experience of the site use indicates that two parking spaces per unit will be sufficient. Mr. Hill said that the model presented by the neighbor, Mr. Rogers, was an inaccurate representation of the scale and separation of the units. He said that an accurate presentation will be made later in the evening to show the proposed structures and some of the surrounding buildings to the north and east.

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Mr. Hill said that the monument and memorial that is presently located on the site can be relocated to a more prominent location within the property. He said that it should not remain in its present location. He said that virtually all the comments raised by Town officials have been addressed or incorporated into the design. He mentioned that the Architectural Review Board's comments were generally supportive, and noted that some site-specific concerns that they raised have been addressed.

Attorney Hill said that one of the neighbors objected because the June 2007 Planning and Zoning Commission's Affordable Housing Subcommittee Report suggested that the site could allow for 20-60 more units. He said that is exactly what has been proposed - 60 more units. He noted that another neighbor objected because they felt that affordable housing units should be spread throughout the Town, not concentrated in the Noroton Heights neighborhood. Mr. Hill said that this is not a new concentration of units. It is a re-use of a site that is available to the community and has been used for affordable housing for many years. Attorney Hill explained that another neighbor objected that the proposed redevelopment will make the drainage and flooding problems worse. Attorney Hill said that the drainage improvements to the site will actually improve the drainage conditions in some circumstances. Attorney Hill then distributed a three-page Zoning Table/Chart with yellow highlighting to clarify the acreage involved, and it separates the acreage with and without the existing Allen O'Neill Drive being converted to private driveways.

Attorney Hill said that there was much discussion about the number of students that will be added to the school system. Depending on which estimate is used, the number of new students would range from 11-21 more students within the entire school system. He said that this is not a noticeable impact on the school system.

Attorney Hill explained that an increase in density for the Housing Authority and for Town projects has been done before, and should be done again after careful consideration by the Planning and Zoning Commission. He said that if the existing Design Business and Residential (DBR) Regulations were applicable to the property, then the proposed density would be below what is the allowable density in that DBR Zone, taking into account the density incentives for affordable housing. He distributed another sheet with excerpts from the DBR Zone. Attorney Hill said that at the Old Town Hall Homes site, which is limited to senior housing, they are allowed 12 units per acre, which is greater than the density proposed at this site. In the DBR Zone, eight units are allowed per acre, but a 40% increase is allowed if some of the units would be affordable. In this case, all the units are affordable.

Mr. Spain asked if Mr. Hill believed that the Commission should have discretion regarding the density based on the location, the amount of open space, the neighborhood, and other factors. Mr. Hill said that under Section 8-30g, the Commission would have very little or no discretion. Here, the applicant is proposing that the Planning and Zoning Commission amend the existing zone for the property and amend the DBR Zoning Regulations so that the Commission does and will have considerable discretion and flexibility that makes sense for the Commission and the community. He said that on each location the Commission must consider the many circumstances that impact the site. Referring to 35 Leroy Avenue (the site of the former Darien Library), he said that this project on Noroton Avenue is not related to any other site the Town may develop in the future.

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Mr. Conze raised the question about maintenance within the project. Jenny Schwartz, Chairperson of the Darien Housing Authority, said that they will be hiring a professional management company. Mr. Conze noted that maintenance within the submitted budget only appears to be \$80,000. He also noted that there have been problems in the past with regard to boat storage and cars on blocks, and no storage being available for the residents. He said that it is not enough to hire a manager. He said that the Housing Authority will need to have rules and standards that will apply to many aspects of living in the development. These will include things like boat and car storage, refuse collection, building maintenance, maintenance of the CHFA (Connecticut Housing Finance Authority) standards, inspections of the buildings and many other aspects. A gentleman from the Housing Authority said that this type of inspection and maintenance activity would all be covered by the management company, and the leases will prohibit outside storage of boats, cars on blocks, and similar types of uses that would be unacceptable. Attorney Hill said that the Commission could make it a condition of approval that the applicants hire a professional management company, and that the Housing Authority strictly enforce the rules and regulations that are applicable.

Arthur Anderson said that \$450. per year per unit is required to be withheld by the State agency. If there are violations, then that withheld money is not returned to the Housing Authority. The Housing Authority is the group that will receive complaints if the management company has not already addressed the complaints. He said that the public housing built today and in the future is not the public housing of old.

Jenny Schwartz, Chairperson of the Darien Housing Authority (DHA), said that many factors went into the DHA decisions regarding the proposed redevelopment of the site. These factors included density and scale, existing tenant make-up, the neighborhood and surrounding area, financial viability of the construction, use of the project, regulations that are applicable, and the affordability of the units. She said that all the four bedroom units in the proposed redevelopment, and most of the three bedroom units, are for the existing tenants. She said that they have designed the project to nearly comply with all the regulations applicable in the neighborhood, and that the development of 111 units is needed for the financial viability of the project. She said that an 80 unit project would not be viable due to the costs involved. At 111 units, there would be a lower per unit cost and a greater income flow to pay for the construction of the units and for maintenance and upkeep. In response to questions, she said that once the project receives all necessary approvals, then a relocation expert will be hired to develop a very detailed plan of how to fairly and legally relocate the existing residents within the project.

Bill Crosskey, Project Architect, discussed the various aspects of the amended plans. He used a PowerPoint presentation but did not have paper copies to give to the Commission. He said that the scale of the project is comparable to houses on the Fairfield Avenue area with respect to style and comparable to sizes in the neighborhood regarding some of the larger houses with respect to square footage and height. He noted that the density is comparable to what is allowed by the Planning and Zoning Commission in the DBR Zone, and that the proposed new buildings will be separated from the neighboring houses. He added that the relocation of the memorial to the front of the new open space will align it with the fire house. He also noted that the air conditioning units for each unit will be close to each building. All the units will have basements that will be available for utilities and storage. He then showed the Commission a scale model of the proposed buildings on the northerly section (close to Elm Street) of the project and some of the neighboring houses to the north and east of the proposed development. The scale of the model is 1/16 of an inch represents one foot.

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The Commission then took a 10 minute break so that they and the public could take a closer look at the scale model. The meeting was then resumed at 9:43 p.m.

Mr. Hill said that the actual number of parking spaces that the Housing Authority anticipates to be needed is 175 or so. Two hundred and twenty parking spaces are actually proposed. The possibility of not paving some of the parking spaces at this time, or creating those extra parking spaces using grass pavers was discussed. This would reduce the amount of impervious area, and therefore could improve the drainage situation and increase the amount of green space. Mr. Spain said it would be important to hold those unbuilt parking spaces in reserve, and not to develop the space for any other purpose.

There was some discussion regarding the heating and air conditioning facilities for each unit. Mr. Hill said that all the units will have uniform heaters and air conditioning systems regardless of the payments that can be made by the residents. Mr. Crosskey said that all the units will likely have oil heating, and each unit will be separately metered for electric and oil use. A utility allowance is included in the rent, but if a tenant exceeds the anticipated allowance, then that tenant will need to pay more for heat and electricity costs.

Janet Plize of Fairfield Avenue said that the petition with 300 signatures in opposition has been submitted to the Commission because the Darien Housing Authority has not been responsive to concerns and issues raised by the neighboring community. She said that the Traffic Study is inadequate, and that the existing units should be renovated, not demolished and replaced. She questioned whether drainage would be caught in the eight foot deep drain to be located along the easterly property line because the difference in elevation between the Allen O'Neill project and Fairfield Avenue is much greater than eight feet. She said that the project involves removing 100 or more trees, and those trees catch 250,000 gallons of rainfall each year. Removing the trees will worsen the drainage conditions and will make a very real impact on the Fairfield Avenue neighbors. She said that 111 units in apartment-style buildings are not compatible with the single family residential neighborhood. She also noted that six units per acre would be twice the allowable density in the neighborhood, and that would result in 63 housing units, not 111 units.

Gianna Santoro from 33 Fairfield Avenue expressed concern about the relocation of existing tenants and the enforcement of the lease provisions. She also was concerned about fencing and trees along the Fairfield Avenue property line, and whether the drainage considerations planned would actually prevent the water from inundating the Fairfield Avenue neighbors. She suggested that if the project is approved, the Commission should prohibit construction vehicles from Fairfield Avenue.

Jenny Schwartz, Chairperson of the DHA, said that if problems do arise during the construction process, the Housing Authority will investigate and take actions to correct the problem. She also noted that there will be considerable fencing and trees to separate the new housing units within Allen O'Neill from the existing back yards of properties along Fairfield Avenue. She also noted that their experts have looked at the drainage question, and no drainage problems are anticipated.

Sandy Stolar of 23 Fairfield Avenue claimed that the Darien Housing Authority has failed to work with the neighbors, and he believed that this is not a good plan for the community, and not a good plan for the immediate neighborhood. He said it would only be fair for the Commission to deny the application.

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Mr. Stolar claimed that the proposed development is too dense and should not be approved with as many units. He said that the maximum number of units that could be allowed would be closer to 80. He said that the proposed buildings are not comparable to the neighborhood. He noted that the Housing Authority architect compares the proposed buildings to the biggest of the houses in the neighborhood, not to most of the houses in the neighborhood. He submitted a four-page document regarding the anticipated number of additional school children within the school system. He anticipates that a minimum number of additional children will be one for each extra bedroom (an extra bedroom is any bedroom more than the first bedroom within a unit). He expects that there will be a minimum of 43 and a maximum of 104 additional school children generated by the proposed redevelopment of the site. He said that there will be 24 multi-family structures with up to eight units per building. This type of proposed development is substantially different than the existing 49 single-family homes and one old apartment building. He believes that the proposed redevelopment would decrease property values of the neighbors. He said that the Allen O'Neill Building Committee has failed to inform the public during the planning process, and that the traffic increases will make Fairfield Avenue unsafe. He gentleman said that the drainage system will likely increase water problems for Fairfield Avenue residents. He submitted a five-page document about the profile of applicants on the waiting list and the expenses that they are likely to incur if they do become tenants.

Carly Tankoos, President of the Allen O'Neill Tenant Association, said that this will be a totally affordable housing project, and one benefit is that they are removing 43 old oil tanks that have been in the ground for many years. She wondered where the new oil tanks would be installed because there is no plan that shows such information. She said that any couple living at the site is likely to have two cars. She believed that there is a security concern when the existing public streets that are patrolled by the Police Department become a private driveway that would be like any other condominium or apartment building driveway and would not be patrolled by the Darien Police Department.

Susan Fixary of 154 Leroy Avenue said that the affordable housing issue is taking lots of effort by many people within the community. She said that affordable housing is needed in the community, but in this case it seems as if they are stuffing 10 pounds in a five pound bag. She said that this project should be a benchmark for others to follow, and wondered why they are only considering rental units and not allowing the units to be sold. She said that 12 big buildings are not appropriate in the neighborhood, and that she is very concerned about the people who would live in the units and the neighbors.

Peter Rogers of St. Nicholas Road submitted a letter sent to him by a neighbor on Chestnut Street who could not attend the meeting. The letter is handwritten, so he had it typed so that it would be easier to read. Mr. Rogers said that the scale model that he presented in December is an accurate depiction of the scale of an existing neighboring house and the proposed building. He believed that nothing about the model that he presented was inaccurate. He said that the number of bedrooms and number of children to be expected in the school system is of considerable concern. He said that the Commission should not count on the Board of Education's estimate because they are only going on their recent experience with this site and not on the anticipated demand. Mr. Rogers said that he measured the Auditorium where the Commission was presently meeting, and it measures

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approximately 54' x 50', and the ceiling is approximately 32' tall. He said that Building E proposed on the plan would not fit within the entire auditorium.

There were no further comments from the public.

Attorney Hill then submitted a letter from a tenant in support of the project.

Mr. Crosskey had used a PowerPoint presentation that included many charts, graphs and illustrations. A paper copy of that was not available at the Public Hearing, but will be available as soon as it can be submitted.

Mr. Spain asked Mr. Hill whether the Police would patrol the new private driveway, and whether there would be a security issue. Mr. Hill said that the Police have and will respond to all calls within all private sites. He said that there would be no impediment to access into the site, and they anticipate no private security problems.

There being no further comments, the following motion was made: That the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Finke, seconded by Mr. Bigelow and unanimously approved.

GENERAL MEETING

All Commission members were present, except for Mr. Hutchison. Mr. Conze read the following agenda item:

Amendment of Land Filling & Regrading Application #200, Jeff Scofield, 65 Goodwives River Road.

Amendment of previously approved plans.

Mr. Ginsberg reviewed the minor changes with respect to the garage size, the addition of a stairway, the addition of a front foyer, and expanding the driveway to accommodate the larger garage. These changes have already been approved by the Environmental Protection Commission because they will not impact the environmental resources on the site, but the changes also need to be reviewed and acted on by the Planning and Zoning Commission because they will affect the grading that was part of the Special Permit. He said that the applicant has also requested an extension until December 21, 2009 to complete the project.

The following motion was made: That the Planning and Zoning Commission approve the modifications to the site plan and grant the extension until December 21, 2009 to complete the project. The motion was made by Mr. Bigelow, seconded by Mr. Spain and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Special Permit Application #253, Jordan Caterers, 1480 Boston Post Road.

Modifications to the location of the dumpster area and other items in the rear of the building.

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Mr. Ginsberg explained that changes are proposed at the rear of the building to satisfy the Health Department requirements. He has discussed the matter with the Fire Marshal, and the Fire Marshal has no concerns regarding the modifications to the dumpster area or the relocation of the refrigerator storage unit.

The Commission members reviewed the revised plans. The following motion was made: That the Commission approve the modified plans with respect to the redevelopment of the rear of the property at Jordan Caterers. The motion was made by Mr. Bigelow, seconded by Mrs. Grimes. All voted in favor except for Mr. Finke, who abstained because he was not familiar with the project.

Mr. Conze read the following agenda item:

Discussion, deliberation and possible decision regarding:

Land Filling & Regrading Application #220, Amendment of Subdivision Application #513, Carole Spivey, 95 Gardiner Street. Proposal to provide a separate driveway access to 95 Gardiner Street, rather than the shared driveway with #93 and #97 Gardiner Street previously approved as part of Subdivision Application #513. The subject property is located on the west side of Gardiner Street, approximately 120 feet south of its intersection with Laforge Road, and is shown on Assessor's Map #46 as Lot #77D in the R-1/5 Zone. *HEARING CLOSED 1/6/2009. DECISION DEADLINE: 3/12/2009.*

The Commission members discussed the Draft Resolution that had been submitted. The following motion was made: That the Commission waive the process of reading the entire Draft Resolution aloud because each member had received the document prior to the meeting so they could read and review it. The motion was made by Mr. Bigelow, seconded by Mr. Finke and unanimously approved.

The Commission members noted that the revised driveway would be approvable subject to the details within the Resolution. The following motion was made: That the Commission approve the requested modification of the Subdivision to allow the proposed driveway in accordance with the following Resolution. The motion was made by Mrs. Grimes, seconded by Mr. Spain. All voted in favor except for Mr. Bigelow, who abstained.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2009**

Application Number: Land Filling & Regrading Application #220
Amendment of Subdivision Application #513

Street Address: 95 Gardiner Street
Assessor's Map #46 Lot #77D

Name and Address of Applicant: Carole Spivey
95 Gardiner Street
Darien, CT 06820

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Activity Being Applied For: Proposal to provide a separate driveway access to 95 Gardiner Street, rather than the shared driveway with #93 and #97 Gardiner Street previously approved as part of Subdivision Application #513.

Property Location: The subject property is located on the west side of Gardiner Street, approximately 120 feet south of its intersection with Laforge Road.

Zone: R-1/5 Zone

Date of Public Hearing: January 6, 2009

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: December 24 & 31, 2008

Newspaper: Darien News-Review

Date of Action: January 13, 2009

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
January 22, 2009

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plan, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to provide a separate driveway access to 95 Gardiner Street, rather than the shared driveway with #93 and #97 Gardiner Street previously approved as part of Subdivision Application #513 in 1976. Map #3945 filed in the Darien Land Records specifically notes on that plan on Note #8: "No new driveway shall exceed a 10% grade & shall have a maximum slope of 1% back to the right of way line from the roadway."
2. In this specific instance, the contractor for the applicant applied for, and received approval from the Department of Public Works for a Street Opening Permit to proceed with this new curb cut and driveway work within the street right of way. The new driveway was 'cut in' and rough graded and walls to separate what has been the common driveway were built. While that new

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curb cut and driveway construction work was ongoing, Zoning Enforcement Officer David Keating sent the owners a letter dated November 19, 2008 noting that the work was not in compliance with the previous Subdivision approval because the slope of the driveway was approximately 8 % between the roadway and the right of way line. When the contractor and owner were notified of the problem, construction work ceased.

3. At the public hearing on this matter, the applicant's engineer noted that some of the common driveway will be removed, thus the amount of impervious surface is the same or reduced over existing conditions. He noted that existing drainage facilities on and near the property will need to be modified slightly, but they are sufficient to handle the runoff water from the revised driveway configuration. A two-page report dated December 17, 2008 from the engineer was submitted for the record.
4. A number of proposed alternatives for the new driveway were put forth by the applicant's engineer, including a preferred alternative. That alternative shows a 5% slope near the street and 5.5% near the garage, and a 12% slope in between. Ten percent is the maximum slope allowed by the current Subdivision Regulations. At the Public Hearing the applicant's engineer indicated that although the 5 % grade near the street was steeper than would normally be allowed, it would not be unsafe because it is a relatively short distance and yet it would allow a motorist to pull the entire vehicle off the paved travel portion of the street before reaching the 12 % slope area. He also noted that the revised driveway configuration will include a turn around area within each of the three properties so that motorists will not need to back down the driveway into Gardiner Street.
5. The Commission specifically notes that although in this one case, they are approving a driveway that does not meet current specifications outlined within the Subdivision Regulations, they believe that of the options presented by the applicant's engineer, that this is the best of those options, and results in a grade both near the garage and near the end of the driveway of 5-5 1/2%. The proposed driveway is less than 100 feet long, and not curved or winding. The distances of the steep slope portion of driveway are very short and the applicant's contractor had obtained a permit from the Department of Public Works to perform the work within the street right of way. In this one instance, the Commission is willing to waive the Subdivision Regulation limitations of the slope of the driveway and the specific condition of the 1976 approval granted for Subdivision #513. The Commission does not believe that this specific approval constitutes a precedent.
6. During the public hearing, William Hughes, the original subdivider and developer of the property, indicated that he believed that the grades of the proposed new driveway would not be a safety problem. He did request that since the shared driveway was being discontinued, that the Commission require the removal of the paved portion of the common driveway that crosses the 10 foot wide access strip that is located between # 93 and # 95 Gardiner Street (Lots 2-C and 2-D on the subdivision map). The access strip is part of the Open Space and extends from the street to the Open Space parcel located to the rear of lots 2-D and 2-E shown on the same subdivision map. The only reason that a portion of Open Space was allowed to be paved was because the original subdivision incorporated the common driveway providing access from the street to three parcels (lots 2-C, 2-D and 2-E). Mr. Hughes felt that since the common driveway was being discontinued, the pavement should be removed from the Open Space. Randy Green

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represented the applicant and indicated that some of the asphalt would be removed, but some would need to remain to provide the turnaround area, and the exact extent of pavement to be removed had not yet been determined.

7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #220 and Amendment of Subdivision Application #513 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and site activity shall be in accordance with the following plans as submitted to the Commission:
 - Preferred alternative 15' – 5% Landing, 5% parking Landing, scale 1"=10', Cross Sections sheet 1 of 2, by LBM Engineering.
- B. With respect to the paved portion of the access strip to the Open Space, the Commission requires that enough of the pavement remain to assure that each of the lots has a turn around area so that no motorist will need to back into the street. The excess pavement shall be removed. The exact extent of pavement shall be subject to the determination of the Director of Planning.
- C. During the filling, regrading, and site work, the applicant shall utilize the sediment and erosion controls illustrated on the plan referred to in Item A above, and any additional measures as may be necessary due to site conditions, including the tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Due to the minor nature of this project, the Commission hereby waives the requirement for a performance bond.
- E. Since the regrading was started without the necessary Permit from the Commission and because leaving the disturbed soil unstabilized will lead to more erosion, the correction of the grade to conform with the approved design, and the paving of the driveway and seeding and stabilization

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of the soil embankments shall be undertaken as soon as the weather allows and must be completed by May 13, 2009. Once the project is complete, and prior to June 30, 2009, the applicant shall have the project engineer certify in writing and/or photographs, that all work has been properly completed in accordance with the approved plans.

- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan by May 13, 2009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Approval of Minutes

Due to the late hour, the Commission decided to postpone action on the following three sets of Minutes until a future meeting:

The meeting was then adjourned at 11:10 p.m.

Respectfully submitted,

David J. Keating
Assistant Director of Planning & Zoning

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